

REMARKS/ARGUMENTS

This Preliminary Amendment is filed concurrently with a Request for Continued Examination (RCE) in response to the final Office Action of February 23, 2007.

Applicants thank the Examiner for a thorough review of the above-referenced application. As explained more fully below, Applicants have amended independent Claims 1, 46, 53, 89, and 92. Applicants request reconsideration of Claims 1-6, 13, 29-32, 34, 35, 37, 38, 40, 46, 53-55, and 89-92 in view of the Amendments and Remarks set forth herein.

The Office Action rejected Claims 1-6, 13, 30, 31, 46, 53-55, and 89-92 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,832,090 to Raspotnik (“the Raspotnik reference”). The Office Action also rejected Claims 1-6, 13, 30, 31, 34, 35, 37, 38, 40, 46, 53-55 and 89-92 under U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,466,131 to Tuttle et al. (“the Tuttle reference”).

As noted, Applicants have amended independent Claims 1, 46, 53, 89, and 92 to further clarify the invention. As a result, Applicants respectfully submit that the rejections of independent Claims 1, 46, 53, 89, and 92, as well as the claims that depend therefrom, have been overcome. Specifically, Applicants have amended independent Claims 1 and 46 to recite, *inter alia*, “wherein the RFID tag module is at least one of separate and in a non-contacting coupled arrangement with, separable, or arranged to be severable from, the antenna structure of the RFID tag or label.” Applicants have amended independent Claim 53 to recite, *inter alia*, “wherein the RFID tag module is at least one of separate and in a non-contacting coupled arrangement with, separable, or arranged to be severable from, the antenna structure of the RFID tag or label” Applicants have amended independent Claim 89 to recite, *inter alia*, “wherein the RFID tag module is in a non-contacting coupled arrangement with the antenna structure of the RFID tag or label.” Applicants have amended independent Claim 92 to recite, *inter alia*, “wherein the RFID tag module is arranged to be severable from the antenna structure of the RFID tag or label.”

In the Office Action, the Examiner argues that the Raspotnik reference and the Tuttle reference each describe an RFID module and an antenna structure that is separate from the RFID module. However, referring to Fig. 1 of the Raspotnik reference, the Raspotnik reference discloses an RFID module 11 that is separate from a reader antenna 17, not its own (transponder)

antenna 16. Likewise, referring to Fig. 3 of the Tuttle reference, the Tuttle reference discloses an RFID module 12* that is separate from a reader antenna 28, not its own (transponder) antenna 22.

By contrast, amended independent Claims 1, 46, and 53 recite an RFID tag or label, a method of manufacturing a RFID tag or label, and a RFID system comprising an RFID tag or label, respectively, having a RFID tag module that includes a electronic identification circuit and a coupling means, and an antenna structure coupled to the coupling means, wherein the RFID tag module is at least one of separate and in a non-contacting coupled arrangement with, separable, or arranged to be severable from, the antenna structure of the RFID tag or label. Additionally, independent Claim 89 recites an RFID tag module that is in a non-contacting coupled arrangement with the antenna structure of the RFID tag or label, and independent Claim 92 recites an RFID tag or label that is arranged to be severable from the antenna structure of the RFID tag or label. Thus, because either alone or combination, neither the Raspotnik reference nor the Tuttle reference teaches or suggests every element of amended independent Claims 1, 46, 53, 89, and 92, Applicants respectfully submit that, for at least these reasons, independent Claims 1, 46, 53, 89, and 92, and the claims that depend therefrom, are patentable over the cited references.

Independent Claim 37 recites an object for use with an RFID tag module, the object comprising an antenna and accomplishing at least one of improving the ability to communicate with the first RFID tag module, increasing the range over which the first RFID tag module can be communicated with, or improving the ability to communicate with the first RFID tag module in multiple directions when the first RFID tag module is used in combination with the object so as to form a first RFID tag or label. The Office Action does not specifically address Claim 37, but rather makes a broad statement that Tuttle reference "teaches that the interrogator/transponder or RFID system 24 is used for a large number of uniquely identifiable tags." This statement does not indicate exactly how or where the Tuttle reference discloses the recitations of independent Claim 37 and thus the Office Action has not demonstrated that independent Claim 37 is anticipated by the Tuttle reference. Applicants submit that the claim recitations of independent Claim 37 are not taught or suggested by either the Tuttle reference or the Raspotnik reference, alone or in combination. Thus, Applicants respectfully submit that, for

Application No.: 10/527,736
Amendment Dated July 17, 2007
Reply to Office Action of February 23, 2007

at least these reasons, independent Claim 37 and the claims that depend therefrom, are patentable over the cited references.

In closing, Applicants respectfully submit that neither the Raspotnik reference nor the Tuttle reference, alone or in combination, teaches or suggests the claims of the present invention, as amended. Accordingly, Applicants respectfully submit that independent Claims 1, 37, 46, 53, 89, and 92 and the claims depending respectively therefrom, include recitations that patentably distinguish the invention over the prior art of record.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that Claims 1-6, 13, 29-32, 34, 35, 37, 38, 40, 46, 53-55, and 89-92 of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Ho is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/R. Flynt Streat/

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
LEGAL02/30450446v1
ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON JULY 17, 2007.

R. Flynt Streat
Registration No. 56,450